



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,371	04/06/2001	David Hung	05284.00085	3897
38732	7590	01/04/2006	EXAMINER	
CYTYC CORPORATION 250 CAMPUS DRIVE MARLBOROUGH, MA 01752			FLOOD, MICHELE C	
			ART UNIT	PAPER NUMBER
			1655	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

1205

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Acknowledgment is made of the receipt and entry of the amendment filed on September 28, 2005.

The reply filed on September 28, 2005 is not fully responsive to the prior Office Action because: As amended, newly submitted Claims 1, 6 and 22-27 are directed to a method for increasing retrievable fluid, cells and/or other material from a breast duct of a patient comprising administering intraductally to the patient an agent that increases the ductal fluid into a breast duct, wherein the agent is selected from an agent recited in the Markush group of Claim 1, whereas the originally claimed method was directed to method for preparing for intraductal retrieval of fluid, cells and/or other material from a breast duct of a patient, which is particularly different from the method that was

originally presented for prosecution on the merits. In fact, newly amended Claims 1, 6 and 22-27 are directed to a method is withdrawn from prosecution on the merits by a restriction requirement made in a previous Office action, as evidenced by presently withdrawn Claims 16-21.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is 571-272-0964. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Michele C. Flood*  
**MICHELE FLOOD**  
**PRIMARY EXAMINER**